

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19929 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- EKCHARI District- Bhagalpur

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DHARMENDRA MANDAL @ DHARMENDRA KUMAR @ GUDDU S/O
LATE RAJENDRA PRASAD SINGH @ RAJENDRA MANDAL Resident
of Village- Khabaspur, P.S.- Ekchari (Pirpainty), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 304(B),
328 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.
4. The informant alleges that his daughter was
married with the petitioner in the year 2017, but after two years
of marriage, the petitioner started demanding money for
purchasing a motorcycle, it is next alleged that the informant in
the year 2022 came to know that his daughter was poisoned to
death.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case based on suspicion, it is next submitted that out of the wedlock a child was born who at the time of occurrence was two and half years of age, further after the death of his wife, the child accompanied her maternal grandmother and it is alleged that the child on phone had informed the informant that her mother was poisoned.

6. Learned counsel for the petitioner next submits that it absolutely does not stand to reason that a child aged about two and half years would have informed the informant on phone about the death of the deceased that she was made to consume poison, it is next submitted that a child of such tender age cannot with such clarity could have informed. Learned counsel further submits that, no doubt, the marriage was only five years old, but in between these five years, no case came to be instituted either by the deceased or the informant with regard to allegation of demand of dowry or torture, it is next submitted that there was a tiff between the deceased and the petitioner on household issue and she was not well, it is submitted that it appears that the deceased by mistake consumed *Salphas* which is kept in the house of agriculturist. It is next submitted that in



the postmortem report, no external injury has been found. It is also submitted that had the petitioner or his family members would have been involved in the occurrence, then an attempt would have been made to conceal the body or to dispose of the body in order to eradicate the evidence, but the body was sent for postmortem which to an extent establishes the *bona fide* of the petitioner. It is further submitted that, no doubt, in such cases husbands are vulnerable, but then a proper investigation is required. It is next submitted that petitioner will not abscond rather will co-operate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ekchari P.S. Case



No. 34 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation or not presenting himself as and when called for, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be also sent to the concerned Police Station through the learned Trial Court.

11. It is further made clear that in the event, if the charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall come to an end.

(Satyavrat Verma, J)

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